



Public Notice

US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Number: 200500335

Date: February 9, 2006

Comments Due: March 11, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the Wildwood Estates project, which would result in impacts to approximately 1.92 acres of waters of the United States, including depressional and riverine seasonal wetlands and vernal pools adjacent to a tributary of the Sacramento River. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Tony Symmes
Aspire Homes
P.O. Box 617
Chico, California 95927-0617
530-894-6099

LOCATION: The project site is located in the city of Chico in an unsectioned portion of Township 22 North, Range 1 East, Butte County, California, and can be seen on the Richardson Springs, California USGS Topographic Quadrangle. The project site is located north of Manzanita Avenue, east of Cactus Avenue, and west of the Sycamore Creek Diversion Channel.

PROJECT DESCRIPTION: The applicant is proposing to construct a residential development in a 32.02 acre site in Butte County. The proposed activity would result in the discharge of approximately 2,871 cubic yards of soil. The project will result in the construction of approximately 195 residential lots and attendant features including associated infrastructure (sewer mains and laterals, water mains, and utility lines). Lot sizes will range between approximately 3,465 to 12,375 square feet. Based on the available information, the overall project purpose is to construct a residential development in the northeast planning quadrant in the City of Chico. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting. There are approximately 1.92 acres of depressional and riverine seasonal wetlands and vernal pools within the project area. Dominant plant species within California annual grassland on-site include soft brome, wild oat, rattail fescue, medusahead, barley, long-beaked filaree, woodland geranium, chickweed, and milk thistle. Plant species observed in vernal pools on-site include manna grass, vernal pool buttercup, spikerush, water-starwort, coyote-thistle, and annual hairgrass. Plant species observed within the seasonal

wetlands include cowbag clover, Italian rygrass, Mediterranean barley, buttercup, and annual hairgrass.

The proposed site is primarily undeveloped land that is used as horse pasture. The site is located within the Sacramento Drainage Basin. The site is surrounded by residential development to the south and west, with areas of open undeveloped annual grasslands and public park. The Sycamore Creek Diversion Channel is located to the north and east of the project area. Commercial development occurs along East Avenue, which is located south of the project area.

Alternatives. The applicant has not submitted information describing alternatives to the proposed project. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Mitigation. The Corps requires applicants to consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation. The applicant proposes to fill all waters of the United States located on-site and proposes to mitigate by purchasing creation and preservation credits from Stillwater Mitigation Bank in Shasta County, pending Corps and U.S. Fish and Wildlife Service approval. The proposed project site is located outside of the Stillwater Mitigation Bank approved service area.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the California Regional Water Quality Control Board (RWQCB), is required for this project. The applicant has not applied for certification. The applicant has applied for City building and grading permits.

HISTORIC PROPERTIES: The applicant submitted the "Archaeological Inventory Survey, Cactus Avenue Development Project, c. 10 acres Adjacent to Cactus Avenue, Immediately Northeast of the City of Chico, Butte County California," dated February 16, 2005, which reviewed the northern portion of the project area. The February 2005 report documented evidence of prehistoric use or presence at three locations during the pedestrian survey. The applicant has indicated that a cultural resources report for the entire 30.02 acre site is being developed and will be submitted to the Corps upon its completion. The Corps will initiate Section 10 consultation with the State Historic Preservation Officer under Section 106 of the

National Preservation Act, as appropriate, upon receipt of the complete cultural resources report.

ENDANGERED SPECIES: The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. Federally-listed species that may be affected by the proposed project include vernal pool fairy shrimp, vernal pool tadpole shrimp, conservancy fairy shrimp, or designated critical habitat and butte county meadowfoam. The Corps has initiated consultation with the U.S. Fish and Wildlife Service, pursuant to Section 7 of the Endangered Species Act. Consultation is pending.

ESSENTIAL FISH HABITAT: The proposed project will not adversely affect Essential Fish Habitat (EFH) as defined in the Magnuson-Stevens Fishery Conservation and Management Act.

The above determinations are based on information provided by the applicant and our preliminary review.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200500335, must be submitted to the office listed below on or before March 11, 2006:

Cori Nagasawa, Project Manager
US Army Corps of Engineers, Sacramento District
Sacramento Valley Office
1325 J Street, Room 1480
Sacramento, California 95814-2922
Email: Cori.M.Nagasawa@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Cori Nagasawa, 916-557-6605, Cori.M.Nagasawa@usace.army.mil.

Attachments:

Figure 1. Site and Vicinity

Figure 4. Proposed Development & Wetland Impacts